

**Witness: Joseph Gambino**

**Request from: Department of Telecommunications and Energy**

**Question:**

What specific training requirements, if any, should be considered by the Department for the groups mentioned in Record Request DTE-7 (internal and external employees and contractors for electric and gas distribution companies)?

**Response:**

IBEW, Local 103 recommends the following training requirements for outside contractors to electric distribution companies.

There are three issues to address with training: 1) what level of training is required; 2) who approves the training; and 3) how is the individual electrical worker's completion of the training documented.

**Level of Training**

Outside electrical contractors should be required to complete a minimum 3.5-year apprentice training program that includes both classroom instruction and on-the-job training, plus ongoing continuing education. For example, Massachusetts Electric requires its contractors to complete the Northeastern Joint Apprenticeship and Training Program.<sup>1</sup> This program includes extensive classroom instruction and 7,000 hours of supervised on-the-job training. Participants are tested each year and must receive a score of at least 70% to pass. They must also complete annual continuing education in order to maintain their certification.<sup>2</sup> This is the level of training that should be required of all outside electrical contractors.

It is important to distinguish between formal trade academics and structured practical experience (as provided by apprenticeship programs) and intermittent, supplemental OSHA training. OSHA training, which focuses on workplace safety, is important. However, it is a supplement to, not a substitute for, the underlying skills training that is provided in an apprenticeship training program.

**Approval of Training Programs**

In order for the distribution companies and the Department to have confidence in the training, they need to have confidence in the training programs. Fortunately, there are both federal and state agencies that review apprenticeship training programs.

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<sup>1</sup> Letter of Amy Rabinowitz to Mary Cottrell re Maintenance and Inspection Practices of Underground Facilities, p. 2 (January 21, 2005).

<sup>2</sup> Id at Attachment E.

The Department should require that outside electrical contractors receive their training from an apprenticeship training program that has been approved by the US Department of Labor's Bureau of Apprenticeship and Training and by the appropriate state authority – for Massachusetts-based programs, the Division of Apprentice Training of the Massachusetts Department of Labor and Workforce Development. This is the standard that has been adopted by Massachusetts Electric. The apprenticeship training program that company requires its contractors to complete has been approved by the Department of Labor's Bureau of Apprenticeship and Training.<sup>3</sup>

### **Documentation of Each Worker's Training**

The training requirement applies to each individual worker. To satisfy the distribution company and the Department that the training requirement has been met, each worker must be able to document that he or she has received the level of training appropriate to the work being performed, and that the training was provided by an approved program. Participants in an approved apprenticeship training program are able to provide such documentation. For example, participants in a Massachusetts-approved program are issued an apprentice identification card and are required by law to have that card on their person during all hours of employment.<sup>4</sup>

The Department should require the electric distribution companies to:

1. Require that all companies bidding to perform electrical work provide information concerning the apprenticeship training program(s) in which their employees and subcontractors participate, including the name(s) of the program(s) and the federal and state certification numbers;
2. Require that every contractor performing electrical work on the utility's system provide, before commencing work, a list of all employees that will perform electrical work, each employee's classification (e.g., apprentice, journeyman, etc.), the name and federal and state certification numbers of the apprenticeship program he or she is participating in or has completed, and any continuing education programs he or she is currently attending;
3. Perform spot checks of individual electrical workers at the job site, requiring them to provide their name, classification, and evidence of participation in a state and federally-approved apprenticeship training program. Reports of such spot checks should be submitted by the electric distribution company to the Department on a monthly basis.

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<sup>3</sup> Id.

<sup>4</sup> G.L. c. 23, §11W.

**Training Provided by Distribution Companies**

At the technical conference on September 9, 2005, there was discussion of whether distribution companies should provide training to outside contractors. On this issue, it is important to distinguish between training regarding distribution company specific issues, e.g., company-specific work procedures and safety requirements, and underlying skill training such as is provided by an apprenticeship training program. It is appropriate for the distribution companies to provide training on company-specific issues. However, it is not appropriate for the distribution companies to provide underlying skill training to outside contractors. For a distribution company to do so is to use ratepayer funds to subsidize an outside firm. It creates a great risk of favoritism, whereby the training would be provided to some outside firms but not others, giving the favored firms a competitive advantage when bidding for utility work.

Indeed, it was revealed at the September 9, 2005 technical session that there is already a favored relationship between NSTAR and one outside electrical contractor, Maverick Construction, whereby Maverick Construction is given preference over other outside firms in the competitive bid process.<sup>5</sup> This extraordinary relationship, which was described under oath, demonstrates the need for Department vigilance regarding the relationship between distribution companies and outside contractors.

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<sup>5</sup> Tr. 2, at 388.